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December 2, 2021

VIA ECF

Honorable James L. Cott
United States Courthouse
500 Pearl Street
New York, New York 10007

RE: Kaye v. NYC Health & Hospitals Corp. et. al.
Index No.: 18-cv-12137(JPC)(JLC)

Dear Honorable Judge Cott:

I respectfully write in response to Defendants' opposition to Plaintiff's request for additional time and to conduct the remainder of Plaintiff's deposition pursuant to Fed. R. Civ. P. 31. Plaintiff sought the Court's intervention based on the prescribed deadlines in this matter. Defendants' written notification as to whether they will pursue summary judgment is due tomorrow. However, without benefit of Plaintiff's deposition transcript, both sides will be deprived the right to pursue any measures in the interim.

Further, as the Court is aware, Plaintiff has a right to review her deposition transcript and to make any corrections. Since the deposition transcript has not yet been provided, Plaintiff has not had the opportunity to engage in this standard practice. Additionally, and directly related to the application herein, there are questions as to whether additional time is needed to ensure that Plaintiff has had the opportunity to fully address her claims on the record.

The parties agree that a review of the deposition is necessary to reach a reasoned determination. As previously stated, the stenographer's computer shut down before I had the opportunity to ask Plaintiff any questions. In light of the parties' schedules, if deemed necessary, I propose that the remainder of the deposition be conducted pursuant to Fed. R. Civ. P. 31. Defense Counsel has proposed a number of dates during the third week of December, however, I have medical appointments in the upcoming weeks, and Dr. Kaye has any number of medical, professional and personal obligations during this time. Therefore, it is Plaintiff's position that deposition via written questions would be the most efficient and would ensure that the questions are limited to the remaining unaddressed claims.

Respectfully submitted,

/s/

Special Hagan, Esq.
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Melissa Kaye, M.D.

—THE LAW OFFICES OF—

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c: Donna Canfield, Esq.
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